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CRL OP NO. 30507 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

CRL OP NO. 30507 of 2024

AND

CRL MP NO. 18069 OF 2024

Mallikinisha

Wio. Siddiq @ Abubakkar, Plot No.22, D.No.7, 2nd Main
Road, Elim Nagar, Perungudi, Chennai

Petitioner(s)

Vs

The State Rep By

The Inspector Of Police, Central Crime Branch-xviii, O/o.
Commissioner Of Police, Vepery Chennai (crime No. 284 Of
2018)

Respondent(s)

CRL MP NO. 18069 of 2024

N.Vimala

W/o.M. Jayakumar,
No.9, G.M. Avenue,
Perungudi.
Chennai 600 096

Appellant(s)

Vs

Mallikinisha

W/o.M. Jayakumar,
No.9, G.M. Avenue,
Perungudi.
Chennai 600 096 and another

Respondent(s)

CRL OP NO. 30507 of 2024

For Petitioner(s):

Mr. Hemnath Veeraragavan

<https://www.mhc.tn.gov.in/judis>

For Respondent(s):

Mr. R. Kishore Kumar, G.A (crl.,side) For Respondent
Mr. Nassir Hussain For



Mr. T. Ramachandran For Intervenor



CRL MP NO. 18069 of 2024

For Appellant(s):
For Respondent(s):

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ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 419, 465, 467, 468 and 120B of I.P.C. in Crime No.284 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's brother Kamaraj purchased the property measuring to an extent of 26 cents alongwith one Leelabai, from one Mrs.Mary Thomas, through her power of attorney Robert Gnanasekaran. The said Kamaraj settled his share of 13 cents in favour of the defacto complainant and the same was registered in Doc.No.2832 of 2012, dated 12.05.2012. According to the prosecution, in the meantime, A1 created a forged document as if he entered into a sale agreement with the original owner of the property Mary Thomas and her legal heirs for the entire extent of 75 cents. Thereafter, A1 sold the property to one Narayanan for a consideration of Rs.3 Crores. It is further alleged that again A1 settled the property in favour of A2/ petitioner. Thereafter, A1 and A2 sold the property to one Mohammed Marzook. Thus A1 and A2 involved in the forgery and also land grabbing. Hence, the defacto complainant lodged the complaint.



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3.The learned counsel appearing for the petitioner would submit that earlier the petitioner filed petition seeking anticipatory bail in CrI.O.P.No.15973 of 2018 and this Court granted anticipatory bail to the petitioner on 11.08.2018 and since the petitioner did not comply with the conditions imposed in the said order, the defacto complainant filed CrI.M.P.No.14670 of 2024 in CrI.O.P.No.15973 of 2018 and this Court vide order dated 06.11.2024 dismissed the said petition by observing that failing compliance of the conditions, the anticipatory bail would automatically stand cancelled and thereafter, the law enforcing agency conducted investigation and referred the case as mistake of fact. Thereafter, the defacto complainant filed protest petition before the trial Court and the trial Court set aside the RCS notice and issued direction to the law enforcing agency to conduct investigation and to file final report. Hence the petitioner has filed this petition seeking anticipatory bail.

4.The learned counsel appearing for the petitioner would further submit that the petitioner inadvertently did not comply with the conditions imposed by this Court and further submitted that the dispute is purely a civil dispute and the suit filed by the defacto complainant in O.S.No.583 of 2012 before the District Munsif Court, Alandur is pending.

<https://www.mca.gov.in/cits> When a civil suit is pending, the law enforcing agency have no power to adjudicate the

issue, however, without hearing the petitioner, the protest petition was entertained and



investigation was ordered. Accordingly, the learned counsel prayed for grant of anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl. Side) submitted that deliberately the petitioner did not comply with the condition imposed by this Court in the order dated 11.08.2018 in Crl.O.P.No.15973 of 2018, thereby, the anticipatory bail granted to her got cancelled and vehemently opposed for grant of anticipatory bail to the petitioner.

6.The learned counsel appearing for the intervenor/ defacto complainant submitted that several complaints have been filed against the petitioner and the petitioner filed quash petition and the said quash petition was also dismissed and the conduct of the petitioner is not genuine and vehemently opposed for grant of anticipatory bail to the petitioner.

7.Admittedly, there is property dispute between the petitioner and the defacto complainant. The defacto complainant claim that his brother purchased the property from Mrs.Mary Thomas alongwith one Leelabai and thereafter his brother settled his share in favour of the defacto complainant and the petitioner claim that she purchased the property from the very same Mary Thomas and the suit filed for declaration is pending. Hence, this Court is inclined to grant anticipatory bail to the petitioner.



8. Accordingly, the petitioner is ordered to be released on bail in the event of a

her appearance, within a period of fifteen days from the date of receipt of a copy of this

order, before the learned Magistrate – I, Alandur, Chennai, on condition that the petitioner

shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two

sureties each for a like sum to the satisfaction of the respondent police or the police officer

who intends to arrest or to the satisfaction of the learned Magistrate concerned and on

further condition that:

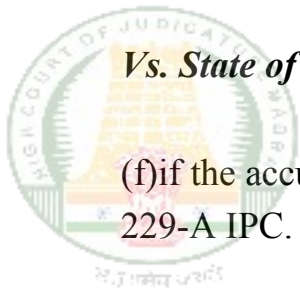
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police once in a week i.e., every Friday at 10.30 a.m. till the completion of investigation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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9.The miscellaneous petition is ordered.

18-12-2024

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To

1. The State Rep By

The Inspector Of Police, Central Crime Branch-xviii, O/o.

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CRL MP NO. 18069 of 2024

1. Mallikinisha

W/o.M. Jayakumar,

No.9, G.M. Avenue,

Perungudi.

Chennai 600 096

2. The State Rep By, The Inspector Of Police

Central Crime Branch Xviii (18),

O/o. Commissioner Of Police,

Vepery, Chennai

(crime No 284 Of 2018)

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